

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 472

AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-18-2-97 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 97. "Division" means the following:

**(1) For purposes of IC 16-21-8, the meaning set forth in IC 16-21-8-0.5.**

**(2) For purposes of IC 16-22-8, the meaning set forth in IC 16-22-8-3.**

**(3) For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.**

**(4) For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.**

**(5) For purposes of IC 16-41-40, the meaning set forth in IC 16-41-40-1.**

SECTION 2. IC 16-18-2-295 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 295. **(a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.6.**

**(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:**

**(1) An individual (other than an individual who is an employee or**

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a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

- (A) A physician.
  - (B) A psychotherapist.
  - (C) A dentist.
  - (D) A registered nurse.
  - (E) A licensed practical nurse.
  - (F) An optometrist.
  - (G) A podiatrist.
  - (H) A chiropractor.
  - (I) A physical therapist.
  - (J) A psychologist.
  - (K) An audiologist.
  - (L) A speech-language pathologist.
  - (M) A dietitian.
  - (N) An occupational therapist.
  - (O) A respiratory therapist.
  - (P) A pharmacist.
- (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.
  - (3) A health facility licensed under IC 16-28-2.
  - (4) A home health agency licensed under IC 16-27-1.
  - (5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.
  - (6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

~~(b)~~ (c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 3. IC 16-18-2-365.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 365.5. "Victim", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.7.**

SECTION 4. IC 16-21-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).**

SECTION 5. IC 16-21-8-0.6 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides emergency services to a victim.**

SECTION 6. IC 16-21-8-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.7. As used in this chapter, "victim" means an alleged sex crime victim.**

SECTION 7. IC 16-21-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The ~~victim services division of the Indiana criminal justice institute~~ may not award compensation or reimbursement under this chapter unless the following conditions are met:

**(1) If the victim is at least eighteen (18) years of age:**

~~(1) (A)~~ **(A)** the sex crime ~~was~~ **must be** reported to a law enforcement officer within ~~forty-eight (48)~~ **ninety-six (96)** hours after the crime's occurrence; **and**

~~(2) (B)~~ **(B)** the victim ~~or claimant has cooperated fully~~ **must cooperate to the fullest extent possible** with law enforcement personnel to solve the crime.

**(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.**

(b) If the ~~victim services division of the Indiana criminal justice institute~~ finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the ~~victim services division of the Indiana criminal justice institute~~ may suspend the requirements of this section.

**(c) A claim filed for services provided at a time before the provision of the emergency services for which an application for reimbursement is filed is not covered under this chapter.**

SECTION 8. IC 16-21-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) When a ~~hospital or licensed medical service~~ provider provides emergency services under this chapter to ~~an alleged sex crime~~ a victim, the ~~hospital or medical service~~ provider shall furnish the services without charge.

(b) The ~~victim services division of the Indiana criminal justice institute~~ shall reimburse a ~~hospital or licensed medical service~~ provider for the ~~hospital's or medical service provider's~~ costs in providing the

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~~services cost for providing services~~ and shall adopt rules and procedures to provide for reimbursement.

(c) The application for reimbursement must be filed not more than one hundred eighty (180) days after the date the service was provided.

**(d) The division shall approve an application for reimbursement filed under subsection (b) not more than one hundred twenty (120) days after receipt of the application for reimbursement.**

~~(c) (e) A hospital provider~~ may not charge the victim for services required under this chapter despite delays in reimbursement from the ~~victim services division, of the Indiana criminal justice institute.~~

**SECTION 9. An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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SEA 472 — Concur+

